

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1919

To improve water quality within the Rio Puerco watershed and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region.

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## IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, FEBRUARY 22), 1994

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To improve water quality within the Rio Puerco watershed and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Rio Puerco Watershed  
5       Act of 1994”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) over time, extensive ecological changes have  
4 occurred in the Rio Puerco watershed, including—

5 (A) erosion of agricultural and range  
6 lands;

7 (B) impairment of waters due to heavy  
8 sedimentation;

9 (C) reduced productivity of renewable re-  
10 sources;

11 (D) loss of biological diversity;

12 (E) loss of functioning riparian areas; and

13 (F) loss of available surface water;

14 (2) damage to the watershed has seriously af-  
15 fected the economic and cultural well-being of its in-  
16 habitants, including—

17 (A) loss of existing communities that were  
18 based on the land and were self-sustaining; and

19 (B) adverse effects on the traditions, cus-  
20 toms, and cultures of the affected communities;

21 (3) a healthy and sustainable ecosystem is es-  
22 sential to the long-term economic and cultural viabil-  
23 ity of the region;

24 (4) the impairment of the Rio Puerco watershed  
25 has damaged the ecological and economic well-being

1 of the area below the junction of the Rio Puerco  
2 with the Rio Grande including—

3 (A) disruption of ecological processes;

4 (B) water quality impairment;

5 (C) significant reduction in the water stor-  
6 age capacity and life expectancy of the Ele-  
7 phant Butte Dam and Reservoir system due to  
8 sedimentation;

9 (D) chronic problems of irrigation system  
10 channel maintenance; and

11 (E) increased risk of flooding caused by  
12 sediment accumulation;

13 (5) the Rio Puerco is a major tributary of the  
14 Rio Grande and the coordinated implementation of  
15 ecosystem-based best management practices for the  
16 Rio Puerco system could benefit the larger Rio  
17 Grande system;

18 (6) the Rio Puerco watershed has been stressed  
19 from the loss of native vegetation, introduction of  
20 exotic species, and alteration of riparian habitat  
21 which have disrupted the original dynamics of the  
22 river and disrupted natural ecological processes;

23 (7) the Rio Puerco watershed is a mosaic of  
24 private, Federal, tribal trust, and State land owner-

1 ship with diverse, sometimes differing management  
2 objectives;

3 (8) development, implementation, and monitor-  
4 ing of an effective watershed management program  
5 for the Rio Puerco watershed requires cooperation  
6 among—

7 (A) the Bureau of Land Management;

8 (B) the Rio Puerco Watershed Committee;

9 (C) the National Forest Service;

10 (D) the Pueblos of Acoma, Isleta, Jemez,  
11 and Laguna;

12 (E) the Eastern and Canoncito Bands of  
13 the Navajo Nation;

14 (F) the Jicarilla Apache Tribe;

15 (G) the Bureau of Reclamation;

16 (H) the Geological Survey;

17 (I) the Bureau of Indian Affairs;

18 (J) the Fish and Wildlife Service;

19 (K) the Soil and Conservation Service;

20 (L) the Army Corps of Engineers;

21 (M) the National Park Service;

22 (N) the State of New Mexico;

23 (O) private landowners;

24 (P) local and regional governmental enti-  
25 ties;

1 (Q) other interested citizens; and

2 (R) affected local soil and water conserva-  
3 tion districts;

4 (9) the Secretary of the Interior, acting through  
5 the Director of the Bureau of Land Management, in  
6 consultation with the entities listed in paragraph  
7 (7), and in cooperation with the Rio Puerco Water-  
8 shed Committee, is best suited to coordinate man-  
9 agement efforts in the Rio Puerco watershed; and

10 (10) accelerating the pace of improvement in  
11 Rio Puerco watershed on a coordinated, cooperative  
12 basis will benefit persons living in the watershed as  
13 well as downstream users on the Rio Grande.

14 **SEC. 3. MANAGEMENT PROGRAM.**

15 (a) IN GENERAL.—The Secretary of the Interior, act-  
16 ing through the Bureau of Land Management and in con-  
17 sultation with the Rio Puerco Management Committee es-  
18 tablished pursuant to section 4, shall—

19 (1) establish a clearinghouse for research and  
20 information on management within the Rio Puerco  
21 watershed, as described in the attached map, includ-  
22 ing—

23 (A) current and historical natural resource  
24 conditions;

1 (B) data concerning the extent and causes  
2 of watershed impairment; and

3 (C) implementation, monitoring, and eval-  
4 uation of best management practices initiated  
5 within the watershed; and

6 (2) provide support to the Rio Puerco Manage-  
7 ment Committee to identify objectives, coordinate  
8 implementation of best management practices, and  
9 monitor results.

10 (b) RIO PUERCO MANAGEMENT PLAN.—Not later  
11 than 2 years after the date of enactment of this Act, the  
12 Secretary, in consultation with the Rio Puerco Manage-  
13 ment Committee, shall prepare a plan for the restoration  
14 of the Rio Puerco watershed. The plan shall—

15 (1) identify reasonable and appropriate goals  
16 and objectives for landowners and managers in the  
17 Rio Puerco watershed;

18 (2) describe potential alternative actions to  
19 meet the goals and objectives, including proven best  
20 management practices and costs associated with im-  
21 plementing the actions;

22 (3) recommend voluntary implementation of ap-  
23 propriate best management practices on both public  
24 and private lands;

1           (4) provide for cooperative development of man-  
2           agement guidelines for maintaining and improving  
3           the ecological, cultural, and economic conditions on  
4           both public and private lands;

5           (5) provide for the development of public par-  
6           ticipation and community outreach programs that  
7           would include proposals for—

8                   (A) cooperative efforts with private land-  
9                   owners to encourage implementation of best  
10                  management practices within the watershed;  
11                  and

12                   (B) involving private citizens in restoring  
13                  the watershed;

14           (6) provide for the development of proposals for  
15           voluntary cooperative programs among the Rio  
16           Puerco Management Committee membership to im-  
17           plement best management practices in a coordinated,  
18           consistent, and cost-effective manner;

19           (7) provide for the encouragement and support  
20           implementation of best management practices on  
21           private lands; and

22           (8) provide for the development of proposals for  
23           a monitoring system that—

24                   (A) builds upon existing data available  
25                  from private, Federal, and State sources;

1 (B) provides for the coordinated collection,  
 2 evaluation, and interpretation of additional data  
 3 as needed or collected; and

4 (C) will provide information to—

5 (i) assess existing resource and socio-  
 6 economic conditions;

7 (ii) identify priority implementation  
 8 actions; and

9 (iii) assess the effectiveness of actions  
 10 taken.

11 (c) ADDITIONAL ASSISTANCE.—If the Secretary of  
 12 the Interior determines that employment of additional per-  
 13 sonnel is necessary to carry out this Act, the Secretary  
 14 shall, where feasible, employ individuals who reside in the  
 15 vicinity of the Rio Puerco watershed restoration area.

16 **SEC. 4. RIO PUERCO MANAGEMENT COMMITTEE.**

17 (a) ESTABLISHMENT.—There is established the Rio  
 18 Puerco Management Committee (referred to in this sec-  
 19 tion as the “Committee”).

20 (b) MEMBERSHIP.—The Committee shall be con-  
 21 vened by a representative of the Bureau of Land Manage-  
 22 ment, and shall include representatives from—

23 (1) the Rio Puerco Watershed Committee;

24 (2) affected tribes and pueblos;



1           (3) the National Forest Service of the Depart-  
2           ment of Agriculture;

3           (4) the Bureau of Reclamation;

4           (5) the Geological Survey;

5           (6) the Bureau of Indian Affairs;

6           (7) the Fish and Wildlife Service;

7           (8) the Army Corps of Engineers;

8           (9) the Soil and Conservation Service of the  
9           Department of Agriculture;

10          (10) the State of New Mexico, including the  
11          New Mexico Environment Department and the State  
12          Engineer;

13          (11) affected local Soil and Water Conservation  
14          Districts;

15          (12) the Elephant Butte Irrigation District;

16          (13) private landowners; and

17          (14) other interested citizens.

18          (c) DUTIES.—The Rio Puerco Management Commit-  
19          tee shall—

20                (1) advise the Secretary of the Interior, acting  
21                through the Director of the Bureau of Land Man-  
22                agement, on the development and implementation of  
23                the Rio Puerco Management Program described in  
24                section 3; and

1           (2) serve as a forum for information about ac-  
2           tivities that may affect or further the development  
3           and implementation of the best management prac-  
4           tices described in section 3.

5 **SEC. 5. REPORT.**

6           Two years after the date of enactment of this Act,  
7           and biennially thereafter, the Secretary of the Interior, in  
8           consultation with the Rio Puerco Management Committee,  
9           shall transmit to the Committee on Energy and Natural  
10          Resources of the Senate and to the Committee on Natural  
11          Resources of the House of Representatives a report con-  
12          taining—

13                (1) a summary of accomplishments as outlined  
14                in section 3; and

15                (2) proposals for joint implementation efforts,  
16                including funding recommendations.

17 **SEC. 6. LOWER RIO GRANDE HABITAT STUDY.**

18           (a) IN GENERAL.—The Secretary of the Interior, act-  
19           ing through the Director of the Fish and Wildlife Service  
20           shall, in cooperation with the States of New Mexico and  
21           Texas, conduct a study of the Rio Grande from Caballo  
22           Lake to the Gulf of Mexico. The study shall include—

23                (1) a survey of the current habitat conditions of  
24                the river and its riparian environment;

1           (2) identification of the changes in vegetation  
2           and habitat over the past 400 years and the affect  
3           of the changes on the river and riparian area; and

4           (3) an assessment of the feasibility, benefits,  
5           and problems associated with activities to prevent  
6           further habitat loss and restoration of habitat  
7           through reintroduction or establishment of appro-  
8           priate native plant species.

9           (b) TRANSMITTAL.—Not later than 1 year after the  
10          date on which funds are made available to carry out this  
11          Act, the Secretary shall transmit the study authorized by  
12          this section to the Committee on Energy and Natural Re-  
13          sources of the Senate and to the Committee on Natural  
14          Resources of the House of Representatives.

15       **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16          There are authorized to be appropriated such sums  
17          as are necessary to carry out this Act, and to implement  
18          the plan prepared pursuant to section 3(b).

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